

REMARKS/ARGUMENTS

Claims 15-41, 43 -57 and 105-106 remain in the application. Claims 15-41, 43-57 and 104-106 are rejected. Claims 15, 36, 105 and 106 are amended for the purposes of clarification. Applicant believes claim amendments do not add new matter.

Applicant respectfully asks the Examiner to please consider the following arguments in regards to the rejection over Packes. A brief summary of the issues and their context are described as follows. Packes was cited in a previous non-final rejection under USC 103(a) in the Office Communication of November 12, 2008. This rejection is upheld in the final rejection of the Office Communication of April 17, 2009.

For the convenience of the Examiner under of citations from the Office Communications are repeated as follows,

A. The Office Communication of November 12, 2008 (Non-Final) and the Office Communication of April 17, 2009 (Final) each recite,

Claims 15-22, 24, 25, 28, 31-41, 43-46, 48-50, 53-57, 105 & 106 are rejected under 35 U.S.C. 103(a) as being unpatentable over Packes (US Patent Number 6,319,122).

End of Citation of from the November 12, 2008 and April 17, 2009 Office Communications.

B. The Applicant response filed March 11, 2009 to the non-final rejection above, recites,

Further, the first loyalty program instrument recited in step a) is not the loyalty program instrument issued in step h) that stores the combined loyalty points. Thus, even applying the modification suggested in the Office Communication that the gaming device can be modified to store “comp points” to the player tracking card and read “comp points” from the player tracking card, the reference still teaches only a single player tracking card, which would not teach all of the limitations of the pending claims. The Office Communication states the player tracking card is a loyalty program instrument but does not distinguish between the first loyalty program instrument in step a and the loyalty program instrument in step h as recited in the pending claims.

End of citation from Applicant response of March 11, 2009.

C. The Office Communication of April 17, 2009 (Response to Arguments) recites,

Applicant argues that even if the proposed modification were made, the references only teach a single tracking card & that the claimed first loyalty program instrument is not the loyalty program instrument that stores the combined loyalty points. This distinction is not claimed. The last line of claim 15 for instance only requires “combining the awarded loyalty points & the amount of loyalty points earned from the first activity & issuing to the patron a loyalty program instrument...loyalty points”. The issued loyalty program instrument (card) could be the same card inputted when the player arrived at the machine. Similarly, the other pending claims only require issuing a loyalty program instrument with combined points.

End of citation from the Office Communication of April 17, 2009.

New Arguments

Applicant asks for reconsideration in regards to the final rejection in light of the clarifying amendments made herein.

Lines 4-7 of pending claim 15, as amended, recite,

receiving a first loyalty program instrument designed or configured to store an amount of loyalty points earned from a first activity not associated with the gaming apparatus;

validating the first loyalty program instrument;

The last two lines of claim 15 recite,

issuing to the patron a loyalty program instrument, said loyalty program instrument different from said first loyalty program instrument, designed or configured to store the combined loyalty points.

Independent claims 36, 105, 106 also include similar limitations.

Applicant respectfully wishes to point out that in claim 15, as recited above, “a first loyalty program instrument” is cited in the “receiving step” and “a loyalty program instrument”

is cited in the “issuing step.” The claims as amended now recite, “said loyalty program instrument different from said first loyalty program instrument.” In the Office Communication of April 17, the Examiner argues, the issued loyalty program instrument (card) could be the same card inputted when the player arrives at the machine. Applicant respectfully submits this argument by the Examiner is not consistent with the limitations in the claims as amended. Applicant believes other arguments submitted in the previous response are also applicable. These arguments are not repeated for the sake of conciseness.

Because Packes does not teach or suggest “said loyalty program instrument different from said first loyalty program instrument,” and Walker does not provide teachings that cure this deficiency, Applicant respectfully submits that Packes alone or in combination with Walker does not teach or suggest at least the limitations described above in the pending claims. In addition, the final rejection in the Office Communication of April 17, 2009 does not point out how these limitations described above are taught or suggested in Packes, alone or in combination with Walker. Thus, Applicant respectfully requests the final rejection of the pending claims be withdrawn and Notice of Allowance be issued.

Applicant hereby petitions for an extension of time which may be required to maintain the pendency of this case, and any required fee for such extension or any further fee required in connection with the filing of this Amendment is to be charged to Deposit Account No. 504480 (Order No. IGT1P061). Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,
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